UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1995/NGO/17
1 August 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-seventh session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 July 1995]

The situation in Sri Lanka

1. International Educational Development/Humanitarian Law Project fervently hoped that the election of the Peoples' Alliance Government in August 1994 and the later election of the new President of Sri Lanka would result in a viable peace process to end the 40 year oppression of the Tamil people and their justifiable armed resistance. We applauded the Peoples' Alliance platform, clearly supported by the majority of the Sinhala people of Sri Lanka, in which a commitment to the peace process was fundamental. During her successful campaign, candidate Chandrika Kumaratunga proclaimed that her first priority

was to restore peace. Following her election, a Sinhala from Sri Lanka and a long-time friend of our organization hand-delivered a letter from our chief representative at the United Nations to President Kumaratunga in support of the peace process.

2. Our hopes were weakened by a progressive retreat from the peace process by President Kumaratunga and her Government shortly after proclaiming in a BBC interview "most armies prefer war to peace - not the soldiers at the base but those in Colombo at the top. We hope and we believe that we have better control of our armies". It became apparent that her Government did not have full control over the Sri Lankan armed forces. For example, as the peace talks continued, the promised removal of the ban on essential goods into the Tamil area failed to be listed in the gazette; the Sri Lankan Government procrastinated and thwarted the flow of essential goods that had ostensibly been removed from the banned list; the promised electrical supplies never arrived; the Sri Lankan Navy imposed restrictions on food-fishing in spite of an announced relaxation of the former ban; the Poonakari Camp, used by the Sri Lankan Army to restrict the movement of Tamil civilians, continued to operate; new army camps were established in the East; new settlements of Sinhala people were opened in the East.

3. More revealing of the Government's retreat from a peace process was the choice of the President's delegates to meet with Liberation Tigers of Tamil Elam (LTTE) leaders. Said one political columnist in the Sunday Leader (Colombo, 21 May 1995): "The LTTE is known to have said that the President had two senior Ministers beside her in her discussion with Tamil groups who were voting with her in Parliament, she sent only as delegates to negotiate an end to a war that has cost 30,000 lives her architect, her banker and her clerk. The only person she forgot to send was her cook". The question of the calibre of delegates was also raised by opposition leader Ranil Wickremasinghe, who in a speech in Parliament on 12 May 1995 (cited in The Island, Colombo, 13 May 1995) acknowledged that the delegations to the peace talks had become noticeably less experienced. According to Wickremasinghe, there were even competing delegations in Jaffna at one time. He concludes: "The important question is, why was the Cabinet left out of this process? The Cabinet was left in the dark and the peace process was handled by the Kitchen Cabinet".

4. A climate of increasing apprehension among the Tamil people led to out-and-out disillusionment when several offers of the LTTE leadership for a federal-type political structure were met with silence from the Sri Lankan Government. With no proposal on the table from the Government and with failure to carry out the main components of the cessation of hostilities agreement, the LTTE leadership issued notice in mid-March that without urgent action to address some of these problem areas, the LTTE would consider the cessation of hostilities to have expired. The LTTE gave a two-week deadline, later extended by another three weeks. Because there was still no effective response from the Sri Lankan Government, the LTTE considered the cessation of hostilities agreement expired as of 19 April. Armed conflict between the Sri Lankan armed forces and the LTTE and Tamil people commenced when the Sea Tigers sank two naval gunboats in Trincomalee harbour.

5. Since the commencement of hostilities, Tamil civilians have been the main target of military operations by the Sri Lankan forces. For example, between 30 May and 14 June, the bodies of 12 Tamil youths were found with their hands tied behind their backs and signs of starvation and suffocation in water. Throughout the rest of those two months, a number of Tamil young men and women were found killed, with obvious signs of torture. The Rev. Fr. Jesuthasan was shot in the Eastern province. A number of fishermen have either been killed or disappeared. A large number of Tamil youths have been taken into custody. A reporter for the Guardian (London) was a witness to the summary execution of three Tamil men and the escape of a fourth (a 17-year-old student) at Jeyanthipuram camp. In her report of 3 June, she stated that the police also fired into Holy Family Convent and had been carrying out a concerted campaign of terror in the area.

6. In a 48-hour period beginning 9 July, as part of a military operation called "Operation Leap Forward", the Sri Lankan forces:

(i) Bombed St. Peter's Church in Navali killing more than 130, mostly women and children seeking shelter;

(ii) Bombed the Manipay Hospital, injuring patients and forcing the relocation of many other patients;

(iii) Carried out other indiscriminate military operations from army camps, jet bombers and naval vessels in heavily populated areas in the north.

Regarding the bombing of St. Peter's Church, Pope John Paul II said "I share the grief of those who lost their loved ones in the bombing of the church and school of Navali ... Already in the past I have urged all sides to choose the path of dialogue to avoid further useless trials for that dear country". As a further element to this atrocity, the Government of Sri Lanka had told people to take shelter in churches and schools before the attack.

7. Since the renewal of hostilities and as a direct result of the indiscriminate targeting of civilians, there are now more than 350,000 newly displaced people in dire need of means of subsistence and international protection. Jaffna Hospital is now attempting to assist more than 3,000 civilians wounded in repeated bombing attacks on civilian areas. In a 12 July 1995 letter to President Kumaratunga, the Honourable Jean Augustine, MP, Parliamentary Secretary to the Prime Minister of Canada stated:

> "It was with dismay, horror and sadness I read of the bombing over the Jaffna peninsula, with over 210 civilians killed, more than 250 grievously injured and with over a quarter of a million persons displaced. Such indiscriminate killings and hostilities cannot be tolerated by people who care for peace in our world. Do stop the suffering and bloodshed. The world community is shocked by this barbarity."

8. International Education Development is also shocked by this barbarity and joins Mr. Augustine in affirming that the world cannot tolerate this. We urge the Sub-Commission to condemn Sri Lanka for these clear violations of the Geneva Conventions. We also request the Sub-Commission to call on all parties to the conflict to respect fully all provisions of humanitarian law applicable to this conflict. Finally, we urge the Sub-Commission to encourage peaceful resolution of this conflict in a process involving the parties to the conflict - the Government of Sri Lanka and the LTTE. United Nations action in El Salvador is a useful model for assisting in the resolution of the conflict in Sri Lanka. The Sub-Commission could also call on the High Commissioner for Human Rights or the Secretary-General to use "good offices" with the aim of renewing the peace process, including the achievement of a genuine cease-fire.